position of the principal case. FREEMAN, EXECUTIONS (3rd ed.), § 235; DRAKE, ATTACH. (7th ed.), § 244 ff; ROOD, GARNISHMENT, § 98; 12 AM. & ENG. ENC. OF LAW, 152; 18 CYC. 1444.

INFANTS—DISAFFIRMING DEED—EJECTMENT.—P., while an infant, had deeded away certain real estate, and after he had attained his majority he attempted to disaffirm his conveyance. He made no re-entry, nor did he give any notice of his disaffirmance. In an action of ejectment to recover the lands conveyed, *held*, that before an action of ejectment can be maintained by one who deeded lands while an infant, he must disaffirm the deed before, and otherwise than by bringing the action. *Tomczek* v. *Wieser et al.* (1908), 108 N. Y. Supp. 784.

There is still some conflict as to what acts constitute a disaffirmance by the infant. The court in the principal case recognized this conflict, but followed the decisions of New York and Indiana. A leading case on this subject is *Bool* v. *Mix*, 17 Wend. (N. Y.) 119, 31 Am. Dec. 285. In this case the court held that before an action can be maintained, the infant grantor must have made an entry on the premises, and executed a second deed, or have done some other act of equal notoriety in disaffirmance of his first deed. Similar holdings are found in *Dominick* v. *Michael*, 4 Sandf. (N. Y.) 374; *Voorhies* v. *Voorhies*, 24 Barb. (N. Y.) 150; *Tucker* v. *Moreland*, 10 Pet, (U. S.) 58. The Indiana decisions are to the same effect. See *Clawson* v. *Doe*, 5 Blackf. (Ind.) 300, in which the court held that a previous notice of intention must have been given; *Doe* v. *Abernathy*, 7 Blackf. (Ind.) 442; *Law* v. *Long*, 41 Ind. 586; *Scranton* v. *Stewart*, 52 Ind. 68; *Sims* v. *Bardoner*, 86 Ind. 87, 44 Am. Rep. 263, in which it was held that it is the disaffirmance which avoids the deed, and not the bringing of the action to recover the land conveyed; *Schroyer* v. *Pittinger*, 31 Ind. App. 158, 67 N. E. 475. In *Sims* v. *Everhardt*, 102 U. S. 300, it was held that a notice of disaffirmance and a bringing of suit will avoid a deed, but the question whether a bringing of suit alone would avoid it does not seem to have been raised. See *Haynes* v. *Bennett*, 53 Mich. 15, 18 N. W. 539. The following cases hold that any act on the part of the grantor after he attains his majority, which shows to the world that he does not intend to be bound, is sufficient to avoid his deed. *Slaughter* v. *Cunningham*, 24 Ala. 260, 60 Am. Dec. 463, but in this case it was held that if possession of land had passed, an entry would be necessary before ejectment would lie; *Bagley* v. *Fletcher*, 44 Ark. 153; *Hastings* v. *Dollarhide*, 24 Cal. 195; *Illinois Land and Loan Co.* v. *Beem*, 2 Ill. App. 390; *State* v. *Plaisted*, 43 N. H. 413. The majority of courts hold that a bringing of suit alone by the grantor after he has reached his majority is sufficient to avoid his deed. See *Greenwood* v. *Coleman*, 34 Ala. 150; *Schaffer* v. *Lavretta*, 57 Ala. 14; *McCarthy* v. *Nicrosi*, 72 Ala. 332, 47 Am. Rep. 418; *Slater* v. *Rudderforth*, 25 App. D. C. 497; *Chadbourne* v. *Rackliff*, 30 Me. 354; *Webb* v. *Hall*, 35 Me. 336; *Craig* v. *Van Bebber*, 100 Mo. 584, 13 S. W. 906, 18 Am. St. Rep. 569; *Clark* v. *Tate*, 7 Mont. 171, 14 Pac. 761; *Drake* v. *Ramsay*, 5 Ohio 252; *Birch* v. *Linton*, 78 Va. 584, 49 Am. Rep. 381; *Gillespie* v. *Bailey*, 12 W. Va. 70, 29 Am. Rep. 445.